

REMARKS/ARGUMENTS

Claims 1-33 are currently pending with claim 33 having been added. No new matter has been added. Support for new claim 33 may be found in the application as originally filed at page 3, paragraph 16 and in FIGs. 1 and 3.

Claims 1-6, 12, 21, and 27-29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 5, 9, and 10 of O'Keeffe (U.S. Patent No. 6,798,397) in view of Bohn (U.S. Patent Publication No. 2003/0006965) and Chinen (U.S. Patent No. 6,099,929).

Claims 1, 2, 7-11, 22-26, and 28-32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14, 17, and 18 of O'Keeffe and Su (U.S. Patent No. 6,791,533).

Claims 1, 7, 11, and 28-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Su.

Claims 1, 7, 11, and 28-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Johnson (U.S. Patent No. 6,844,873).

Claims 2, 8-10, and 22-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Su.

Claims 2, 9, 22, and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable of Johnson.

Submitted herewith is a declaration under 37 C.F.R. § 1.131 along with evidence to support an invention date that precedes the effective dates of Su, Johnson, and Bohn. Specifically, the evidence submitted with the declaration establishes a conception date of at least November 3, 2000, and establishes that from the date of conception, the inventors worked diligently to reduce the invention to practice. As the invention date of the invention as recited in the pending claims precedes the effective dates of Su, Johnson, and Bohn, the rejections based on these references are moot.

Appl. No. 09/978,306
Amdt. sent September 16, 2005
Reply to Office Action of March 18, 2005

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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